

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

December 18, 2006

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
<input checked="" type="checkbox"/>	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	10-03-06
Advertised	11-22-06
Hearing Date	12-04-06
Record Held Open	12-13-06
Policy Discussion	12-18-06

TITLE:

An Ordinance to Amend Chapter 2 of the City Code, Entitled "Administration", Article II, Entitled "Municipal-County Relations", Section 2-6 Thereof, Entitled "Exemption From Montgomery County Legislation And Regulations Within the City" so as to Include the Provisions of Section 24-211A Entitled "Fitness Centers-Defibrillators" of Chapter 24 of the Montgomery County Code Entitled "Health And Sanitation", as Being Applicable and Enforceable Within the City

SUPPORTING BACKGROUND:

During the August 21, 2006 Mayor and City Council meeting, the Mayor and members of the Council raised the possibility of making the County Code that requires defibrillators at commercial fitness centers applicable in the City of Gaithersburg.

Based on staff's initial research, it appears that there are 15 private facilities within corporate limits that would be required to have defibrillators if Section 24-11A of the County Code applied in Gaithersburg. Of these 15 facilities, eight already have defibrillators.

The attached ordinance would simply make Montgomery County's defibrillator requirement applicable in the City of Gaithersburg. The ordinance would be enforced by the County. I have also attached the relevant provision of the County Code.

On December 4, 2006 the Mayor and City Council held a public hearing on this ordinance. During the course of the hearing, Council Members inquired whether the ordinance would require defibrillators at swimming pools. Staff contacted Montgomery County representatives and was informed that the County's does not require defibrillators at pools.

The record closed on December 13, 2006.

DESIRED OUTCOME:

Ordinance is ready for final action.

Ordinance NO. ____

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION", ARTICLE II, ENTITLED "MUNICIPAL-COUNTY RELATIONS", SECTION 2-6 THEREOF, ENTITLED "EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION AND REGULATIONS WITHIN THE CITY" SO AS TO INCLUDE THE PROVISIONS OF SECTION 24-211A ENTITLED "FITNESS CENTERS-DEFIBRILLATORS" OF CHAPTER 24 OF THE MONTGOMERY COUNTY CODE ENTITLED "HEALTH AND SANITATION", AS BEING APPLICABLE AND ENFORCEABLE WITHIN THE CITY

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 2 of the City Code, entitled "Administration", Article II, entitled "Municipal-County Relations", Section 2-6 thereof, is hereby amended to read as follows:

CHAPTER 2
ADMINISTRATION

* * * *

ARTICLE II. MUNICIPAL-COUNTY RELATIONS

Sec. 2.6. Exemption from Montgomery County legislation and regulations within the City.

It is hereby ordained by the Mayor and City Council of the City of Gaithersburg, Maryland, that pursuant to the authority granted by Article 23A, Section 2B(a), of the Annotated Code of Maryland, as enacted by Chapter 398 of the Laws of Maryland, 1983, and further pursuant to Chapter 33 of the Laws of Montgomery County, 1984, as codified in Chapter 2, Section 2-96 of the Montgomery County Code (1972 edition, as amended), as may hereafter from time to time be amended, the City of Gaithersburg, Maryland, is hereby declared exempt from any and all legislation and regulations pertaining hereto, heretofore or hereafter enacted by Montgomery County, Maryland, relating to any subject or matter upon which the Mayor and City Council of the City, or the City of Gaithersburg, as a municipal corporation, has been heretofore or is hereafter granted legislative authority, with the following exceptions which shall hereafter be applicable to and within the City of Gaithersburg, Maryland.

Chapter Title, Montgomery County Code 1984, as amended:

Chapter 1 -

* * * *

Chapter 24 – Health and Sanitation, Sec.24-11A of said Chapter

* * * *

ADOPTED this 18th day of December, 2006, by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 18th day of December, 2006. APPROVED by the Mayor of the City of Gaithersburg, this 18th day of December, 2006.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 18th day of December, 2006, and that the same was approved by the Mayor of the City of Gaithersburg on the 18th day of December, 2006. This Ordinance becomes effective on the day of 8th day of January, 2007.

David B. Humpton, City Manager